



House of Representatives

General Assembly

File No. 438

January Session, 2005

House Bill No. 6893

House of Representatives, April 19, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE CRIMINAL JUSTICE INFORMATION SYSTEM GOVERNING BOARD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-142q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) As used in this section, (1) "governing board" means the
4 Criminal Justice Information System Governing Board established in
5 this section, and (2) "offender-based tracking system" means the
6 information system described in subsection (b) of this section.

7 [(a)] (b) There shall be a Criminal Justice Information System
8 Governing Board [, hereinafter referred to as the governing board,]
9 which shall be within the Office of Policy and Management for
10 administrative purposes only. The governing board shall oversee an
11 information system that enables, as determined by the governing
12 board and subject to this chapter, criminal justice agencies, as defined

13 in subsection (b) of section 54-142g, and the Division of Public
14 Defender Services to share criminal history record information, as
15 defined in subsection (a) of section 54-142g, and to access electronically
16 maintained offender and case data involving felonies, misdemeanors,
17 violations, motor vehicle violations, motor vehicle offenses for which a
18 sentence to a term of imprisonment may be imposed, and infractions.
19 [For purposes of this section, "offender-based tracking system" shall
20 mean such information system.]

21 [(b)] (c) The governing board shall be composed of the Chief Court
22 Administrator, who shall serve as chairperson, the Commissioner of
23 Public Safety, the Commissioner of Emergency Management and
24 Homeland Security, the Secretary of the Office of Policy and
25 Management, the Commissioner of Correction, the chairperson of the
26 Board of Pardons and Paroles, the Chief State's Attorney, the Chief
27 Public Defender, the Chief Information Officer of the Department of
28 Information Technology, the Victim Advocate, the Commissioner of
29 Motor Vehicles and the president of the Connecticut Police Chiefs
30 Association. Each member of the governing board may appoint a
31 designee who shall have the same powers as such member.

32 [(c)] (d) The governing board shall meet at least once during each
33 calendar quarter and at such other times as the chairperson deems
34 necessary. A majority of the members shall constitute a quorum for the
35 transaction of business.

36 [(d)] (e) The duties and responsibilities of the governing board shall
37 be to: (1) Oversee the operations and administration of the offender-
38 based tracking system; (2) establish such permanent and ad hoc
39 committees as it deems necessary, with appointments to such
40 committees not restricted to criminal justice agencies; (3) recommend
41 any legislation necessary for implementation, operation and
42 maintenance of the offender-based tracking system; (4) establish and
43 implement policies and procedures to meet the system-wide
44 objectives, including the provision of appropriate controls for data
45 access and security; and (5) perform all necessary functions to facilitate

46 the coordination and integration of the offender-based tracking
47 system.

48 [(e)] (f) A member of the governing board, a member of a
49 permanent or an ad hoc committee established by the governing
50 board, and any person operating and administering the offender-based
51 tracking system shall be deemed to be "state officers and employees"
52 for the purposes of chapter 53 and section 5-141d.

53 [(f)] (g) Information that may be accessed by the Division of Public
54 Defender Services pursuant to subsection (a) of this section shall be
55 limited to: (1) Conviction information, as defined in subsection (c) of
56 section 54-142g, (2) information that is otherwise available to the
57 public, and (3) information, including no conviction information,
58 concerning a client whom the division has been appointed by the court
59 to represent and is representing at the time of the request for access to
60 such information.

61 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) Any data in the offender-
62 based tracking system, as defined in section 54-142q of the general
63 statutes, as amended by this act, shall be available to the Chief
64 Information Officer of the Department of Information Technology and
65 the executive director of a division of or unit within the Judicial
66 Department that oversees information technology or to such persons'
67 designees for the purpose of maintaining and administering such
68 system.

69 (b) Any data in such system from an information system of a
70 criminal justice agency, as defined in subsection (b) of section 54-142g
71 of the general statutes, that is available to the public under the
72 provisions of the Freedom of Information Act, as defined in section 1-
73 200 of the general statutes, shall be obtained from the agency from
74 which such data originated.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2005</i>	54-142q
Sec. 2	<i>October 1, 2005</i>	New section

PS *Joint Favorable C/R*

JUD

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.; Criminal Justice, Div.; Policy & Mgmt., Off.; Department of Information Technology; Freedom of Inf. Com.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes minor and technical changes that have no fiscal impact.

OLR Bill Analysis

HB 6893

AN ACT CONCERNING THE CRIMINAL JUSTICE INFORMATION SYSTEM GOVERNING BOARD**SUMMARY:**

This bill makes data in the offender-based tracking system available to the chief information officer of the Department of Information Technology and the executive director of a Judicial Department division or unit that oversees information technology, or their designees, for maintaining and administering the system. Under the bill, publicly available data in the system from a criminal justice agency must be obtained from the agency where the data originated. The bill also puts the Criminal Justice Information System Governing Board in the Office of Policy and Management (OPM) for administrative purposes only.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Offender-Based Tracking System***

The system allows criminal justice agencies and the Division of Public Defender Services to (1) share criminal history records and (2) electronically access offender and case data on felonies, misdemeanors, violations, motor vehicle violations, motor vehicle offenses punishable by imprisonment, and infractions.

Criminal Justice Agencies

A criminal justice agency is:

1. any court with criminal jurisdiction;
2. the Department of Motor Vehicles;
3. any government agency created by statute that is authorized

and engaging in the administration of criminal justice as its principal function, including organized municipal police departments, the Division of State Police, the Department of Correction, the Office of Adult Probation, OPM, state's attorneys, assistant state's attorneys, deputy assistant state's attorneys, the boards of Parole and Pardons, bail commissioners, and the chief medical examiner; and

4. any component of a public, non-criminal-justice agency created by statute that is authorized and engaged in the administration of criminal justice as its principal function.

Criminal Justice Information System Governing Board

The Criminal Justice Information System Governing Board oversees the offender-based tracking system. The board determines how the agencies and the Division of Public Defender Services access and share information, subject to statutory requirements for record erasure, security, and privacy. Board members include the chief court administrator, public safety and correction commissioners, chief state's attorney, chief public defender, Department of Information Technology's chief information officer, and president of the Connecticut Police Chiefs Association.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference

Yea 22 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 34 Nay 0